



# NEWS

Judicial Council of California  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 8, 2002**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-112 People v. Gonzalez, S107167. (G025767; 97 Cal.App.4th 1087, mod. 98 Cal.App.4th 476i.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: What procedures must a trial court follow in order to provide the parties with adequate notice of the sentence the court intends to impose and the reasons that support the court's discretionary sentencing choices, so that a party's failure to object to the sentencing decision in the trial court will bar the party from raising the issue on appeal under the waiver rule of People v. Scott (1994) 9 Cal.4th 331?

#02-113 In re Marriage of Goddard, S107154. (B147332; 97 Cal.App.4th 1059.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a marital dissolution action. This case presents the following issue: In a dissolution proceeding in which the husband did not appear for trial, is the wife's failure formally to introduce into evidence the service on the husband of notice of trial a jurisdictional defect that renders the ensuing judgment void, or are the jurisdictional requirements of Code of Civil Procedure section 594 satisfied so long as the record contains proof of service of the notice of trial?

#02-114 People v. Pena, S106906. (E029490; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment of criminal offenses. The court limited review to the following issue: Does the standard oral argument waiver notice used by the Court of Appeal, Fourth District, Division Two, improperly infringe upon a defendant's right to oral argument?

#02-115 Schifando v. City of Los Angeles, S106660. (B142999; 97 Cal.App.4th 312.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Must a city employee exhaust both the administrative remedies under the city charter and the administrative remedies under the Fair Employment Housing Act [FEHA] (Gov. Code, § 12940 et seq.) before bringing suit on an employment discrimination claim?

#02-116 Krupp v. Lombard Street Equities, S106903. (G027399; unpublished opinion.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in Balser v. Wells Fargo Bank, N.A., S101833 (#01-170), and Mulder v. Pilot Air Freight, S105483 (#02-86), which present the following issue: Is the privilege for reporting suspected criminal activity to a police officer (Civ. Code. § 47(b)), absolute or does it apply only to statements made in good faith?

## **DISPOSITION**

#01-51 Whitmore Union Elementary School Dist. v. County of Shasta, S096088, was dismissed and remanded to the Court of Appeal.

## **STATUS**

#02-68 In re Rosenkrantz, S104701. The court solicited supplemental briefing on the following issue: Assuming that the Governor's decision to reverse a parole decision of the Board of Prison Terms (Cal. Const., art. V, § 8, subd. (b)) is subject to judicial review to determine whether it is supported by some evidence, and further assuming that the law of the case doctrine does not resolve that issue in the present case, is there some evidence that was in the record considered by the Governor (and that properly was before the superior court) that supports the Governor's decision?